

AMENDED IN SENATE AUGUST 30, 2011
AMENDED IN SENATE JULY 6, 2011
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AMENDED IN ASSEMBLY MARCH 25, 2011
AMENDED IN ASSEMBLY JANUARY 31, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 25

Introduced by Assembly Member Hayashi
(Coauthors: Assembly Members Buchanan, Conway, Fong, Hill,
Huffman, Ma, Nestande, John A. Pérez, and Smyth)
(Coauthors: Senators Alquist, Padilla, Steinberg, and Strickland)

December 6, 2010

An act to ~~amend Sections 38131 and 38134 of, and to add Section 49475 to,~~ the Education Code, relating to athletics.

LEGISLATIVE COUNSEL'S DIGEST

AB 25, as amended, Hayashi. ~~Athletics: School districts: athletics:~~ concussions and head injuries.

~~(1) Existing law authorizes the governing board of a school district to grant the use of school facilities or grounds as a civic center for specified purposes, including supervised recreational activities. Existing law authorizes the governing board of a school district to authorize the use of any school facilities or grounds under its control, when an alternative location is not available, to nonprofit organizations, and clubs or associations organized to promote youth and school activities.~~

~~This bill would require any organization that uses school facilities or grounds for any purpose involving any physical or athletic activity pursuant to these provisions to provide a statement of compliance with the policies for the management of concussion and head injury, as specified.~~

~~(2) Existing~~

Existing law authorizes school districts to provide specified medical services in connection with athletic events that are under the jurisdiction of, or sponsored or controlled by, school districts. These services include medical or hospital insurance for pupils injured while participating in athletic activities and ambulance service for pupils, instructors, spectators, and other individuals in attendance at athletic activities.

This bill would require a school district that elects to offer athletic programs to immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The bill would prohibit the return of the athlete to that activity until he or she is evaluated by, and receives written clearance from, a licensed health care provider, as specified. The bill would require, on a yearly basis, a concussion and head injury information sheet to be signed and returned by the athlete and the athlete's parent or guardian ~~prior to~~ *before* the athlete's initiating practice or competition. These provisions would not apply to an athlete engaged in an athletic activity during the regular schoolday or as part of a physical education course, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 38131 of the Education Code is amended~~
2 ~~to read:~~
3 ~~38131. (a) There is a civic center at each and every public~~
4 ~~school facility and grounds within the state where the citizens,~~
5 ~~parent teacher associations, Camp Fire girls, Boy Scout troops,~~
6 ~~veterans' organizations, farmers' organizations, school-community~~
7 ~~advisory councils, senior citizens' organizations, clubs, and~~
8 ~~associations formed for recreational, educational, political,~~
9 ~~economic, artistic, or moral activities of the public school districts~~
10 ~~may engage in supervised recreational activities, and where they~~
11 ~~may meet and discuss, from time to time, as they may desire, any~~

1 subjects and questions that in their judgment pertain to the
2 educational, political, economic, artistic, and moral interests of
3 the citizens of the communities in which they reside. For purposes
4 of this section, "veterans' organizations" are those groups included
5 within the definition of that term as specified in subdivision (a) of
6 Section 1800 of the Military and Veterans Code.

7 (b) The governing board of any school district may grant the
8 use of school facilities or grounds as a civic center upon the terms
9 and conditions the board deems proper, subject to the limitations,
10 requirements, and restrictions set forth in this article, for any of
11 the following purposes:

12 (1) Public, literary, scientific, recreational, educational, or public
13 agency meetings.

14 (2) The discussion of matters of general or public interest.

15 (3) The conduct of religious services for temporary periods, on
16 a one-time or renewable basis, by any church or religious
17 organization that has no suitable meeting place for the conduct of
18 the services, provided the governing board charges the church or
19 religious organization using the school facilities or grounds a fee
20 as specified in subdivision (d) of Section 38134.

21 (4) Child care or day care programs to provide supervision and
22 activities for children of preschool and elementary schoolage.

23 (5) The administration of examinations for the selection of
24 personnel or the instruction of precinct board members by public
25 agencies.

26 (6) Supervised recreational activities, including, but not limited
27 to, sports league activities for youths that are arranged for and
28 supervised by entities, including religious organizations or
29 churches, and in which youths may participate regardless of
30 religious belief or denomination, provided that any group using
31 the school facilities or grounds for any purpose involving any
32 physical or athletic activity pursuant to this paragraph provides a
33 statement of compliance with the policies for the management of
34 concussion and head injury in athletics set forth in subdivision (a)
35 of Section 49475.

36 (7) A community youth center.

37 (8) A ceremony, patriotic celebration, or related educational
38 assembly conducted by a veterans' organization.

39 (9) Other purposes deemed appropriate by the governing board.

1 ~~SEC. 2. Section 38134 of the Education Code is amended to~~
2 ~~read:~~

3 ~~38134. (a) The governing board of any school district shall~~
4 ~~authorize the use of any school facilities or grounds under its~~
5 ~~control, when an alternative location is not available, to nonprofit~~
6 ~~organizations, and to clubs or associations organized to promote~~
7 ~~youth and school activities, including, but not limited to:~~

8 ~~(1) Girl Scouts, Boy Scouts, Camp Fire, Inc.~~

9 ~~(2) Parent-teachers' associations.~~

10 ~~(3) School-community advisory councils.~~

11 ~~This subdivision shall not apply to any group that uses school~~
12 ~~facilities or grounds for fundraising activities that are not beneficial~~
13 ~~to youth or public school activities of the district, as determined~~
14 ~~by the governing board.~~

15 ~~(b) Except as otherwise provided by law, the governing board~~
16 ~~may charge an amount not to exceed its direct costs for use of its~~
17 ~~school facilities. Each governing board that decides to levy these~~
18 ~~charges shall first adopt a policy specifying which activities shall~~
19 ~~be charged an amount not to exceed direct costs.~~

20 ~~(c) The governing board of any school district may charge an~~
21 ~~amount not to exceed its direct costs for use of its school facilities~~
22 ~~by any entity, including a religious organization or church, that~~
23 ~~arranges for and supervises sports league activities for youths as~~
24 ~~described in paragraph (6) of subdivision (b) of Section 38131.~~

25 ~~(d) The governing board of any school district that authorizes~~
26 ~~the use of school facilities or grounds for the purpose specified in~~
27 ~~paragraph (3) of subdivision (b) of Section 38131 shall charge the~~
28 ~~church or religious denomination an amount at least equal to the~~
29 ~~district's direct costs.~~

30 ~~(e) In the case of entertainments or meetings where admission~~
31 ~~fees are charged or contributions are solicited and the net receipts~~
32 ~~are not expended for the welfare of the pupils of the district or for~~
33 ~~charitable purposes, a charge shall be levied for the use of school~~
34 ~~facilities or grounds which charge shall be equal to fair rental~~
35 ~~value.~~

36 ~~(f) If any group activity results in the destruction of school~~
37 ~~property, the group may be charged for an amount necessary to~~
38 ~~repay the damages, and further use of facilities may be denied.~~

39 ~~(g) As used in this section, "direct costs" to the district for the~~
40 ~~use of school facilities or grounds means those costs of supplies,~~

1 utilities, janitorial services, services of any other district employees,
2 and salaries paid school district employees necessitated by the
3 organization's use of the school facilities and grounds of the
4 district.

5 (h) As used in this section, "fair rental value" means the direct
6 costs to the district, plus the amortized costs of the school facilities
7 or grounds used for the duration of the activity authorized.

8 (i) Any school district authorizing the use of school facilities
9 or grounds under subdivision (a) shall be liable for any injuries
10 resulting from the negligence of the district in the ownership and
11 maintenance of those facilities or grounds. Receipt of the statement
12 of compliance pursuant to subdivision (j) fulfills the responsibilities
13 of the school district. Any group using school facilities or grounds
14 under subdivision (a) shall be liable for any injuries resulting from
15 the negligence of that group during the use of those facilities or
16 grounds. The district and the group shall each bear the cost of
17 insuring against its respective risks, and shall each bear the costs
18 of defending itself against claims arising from those risks.
19 Notwithstanding any other law, this subdivision shall not be
20 waived. Nothing in this subdivision shall be construed to limit or
21 affect the immunity or liability of a school district under Division
22 3.6 (commencing with Section 810) of Title 1 of the Government
23 Code for injuries caused by a dangerous condition of public
24 property.

25 (j) Any group using school facilities or grounds pursuant to
26 subdivision (a) for the purpose of any recreational activities
27 pursuant to paragraph (6) of subdivision (b) of Section 38131 shall
28 provide a statement of compliance with the policies for the
29 management of concussion and head injury set forth in subdivision
30 (a) of Section 49475.

31 **SEC. 3.**

32 **SECTION 1.** Section 49475 is added to the Education Code,
33 to read:

34 49475. (a) If a school district elects to offer an athletic
35 program, the school district shall comply with both of the
36 following:

37 (1) An athlete who is suspected of sustaining a concussion or
38 head injury in an athletic activity shall be immediately removed
39 from the activity for the remainder of the day, and shall not be
40 permitted to return to the activity until he or she is evaluated by a

1 licensed health care provider, trained in the management of
2 concussions, acting within the scope of his or her practice. The
3 athlete shall not be permitted to return to the activity until he or
4 she receives written clearance to return to the activity from that
5 licensed health care provider.

6 (2) On a yearly basis, a concussion and head injury information
7 sheet shall be signed and returned by the athlete and the athlete's
8 parent or guardian ~~prior to~~ *before* the athlete's initiating practice
9 or competition.

10 (b) This section does not apply to an athlete engaging in an
11 athletic activity during the regular schoolday or as part of a physical
12 education course required pursuant to subdivision (d) of Section
13 51220.